

REMARKS

Claims 9, 11-13, 37 and 41-44 are pending in the application. Claims 9, 11 and 37 have been amended. Claim 45 has been cancelled without prejudice or disclaimer and claims 1-8, 10, 14-36 and 38 —40 were previously cancelled without prejudice or disclaimer. Reconsideration of this application is respectfully requested.

Applicants appreciate the Examiner participating in a telephone interview with Applicants' attorney on August 20, 2009. A recap of the interview is set forth in an Interview Summary filed on August 24, 2009.

The Office Action repeats the restriction requirement from the Office Action dated April 7, 2003. Applicants confirm the election of species A. Species A is disclosed in Figures 1-6d, 9 and 10-14a. Claims 9, 11-13 and 41-44 are readable on the elected species A. Amended independent claims 9 and 37 are generic to species A, B, C and D.

The Office Action rejects claims 9, 11-13 and 37 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 6,665,036 to Oh et al., hereafter Oh, in view of U.S. Patent No. 6,111,627 to Kim et al., hereafter Kim, U.S. Patent No. 5,995,186 to Hiroshi, hereafter Hiroshi, and U.S. Patent No. 6,061,114 to Callegari et al., hereafter Callegari.

This rejection is respectfully traversed. Amended independent claims 9 and 37 each recite:

“a first transparent conductive layer disposed directly on said first surface of said bottom substrate”.

Support for this recital is in Figure 11a of the drawing and in the specification at page 24, lines 11 and 12.

At page 5 of the Office Action, the Examiner contends that Oh discloses this recital before amendment, citing Oh's data electrodes 208 and common electrode 209. However, Oh's Figure 3B shows that a gate insulator 212 is disposed on bottom substrate 210 and that data electrodes 208 and common electrode 209 are disposed on top of gate insulator 212 and not "on said first surface of said bottom substrate", as recited in amended independent claims 9 and 37. Therefore, Oh lacks the above quoted recital of amended independent claims 9 and 37.

During the Interview, the discussion centered on this recital amended by replacing "over" with "on". The Examiner suggested that if "over" were replaced with "directly on", Oh would be overcome and that further consideration and search would be required.

Kim, Hiroshi and Callegari, which were cited for different reasons, do not supply Oh's deficiency. Therefore, the combination of Oh, Kim, Hiroshi and Callegari lacks the above quoted recital. Thus, amended independent claims 9 and 37 and dependent claims 11-13 are unobvious in view of the combination of Oh, Kim, Hiroshi and Callegari.

For the reasons set forth above, it is submitted that the rejection of claims 9, 11-13 and 37 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 40-44 under 35 U.S.C 103(a) as unpatentable over Oh, Kim, Hiroshi and Callegari as applied to claims 9, 11-13, 13 and 40 and further in view of U.S. Patent No. 6,124,914 to Chaudhari et al., hereafter Chaudhari.

This rejection is moot as to claim 40, which was previously cancelled.

This rejection is respectfully traversed for the same reason set forth in the discussion of amended independent claims 9 and 37, from which claims 41-44 depend. That is, the combination of Oh, Kim, Hiroshi and Callegari lacks a recital of amended independent claims 9 and 37. Chaudhari, which was cited for a different reason, does not supply the deficiency of the combination of Oh, Kim, Hiroshi and Callegari. Therefore, the combination of Oh, Kim, Hiroshi, Callegari and Chaudhari also lacks the recital of amended independent claims 9 and 37. For the reasons set forth above, claims 41-43 are unobvious over the combination of Oh, Kim, Hiroshi, Callegari and Chaudhari.

For the reasons set forth above, it is submitted that the rejection of claims 41-44 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 103(a) be withdrawn, that claims 9, 11-13, 37 and 41-44 be allowed and that this application be passed to issue.

Respectfully Submitted,

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